



King County

Metropolitan King County Council Growth Management and Natural Resources Committee

STAFF REPORT

Agenda Item: 5 **Date:** June 17, 2008
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REVISED

(substantive revisions shown in italics and underlining)

SUBJECT

Briefing on Executive's 2008 recommended amendments to the text and polices in Chapter 4 (Environment) of the King County Comprehensive Plan ("KCCP").

SYNOPSIS OF KEY ISSUES

- Emphasis on climate change with a whole new subsection, as well as links to protection of species and habitat, and improvement of air quality.
- New sections on what previously had been just subelements: air quality and land hazards
- Transition away from focus of single species protection to a broader biodiversity approach
- New emphasis on protecting species and habitat not listed by state or federal governments
- Revamping ESA section and new subsection on salmon recovery and Puget Sound Partnership
- New sections on climate change and adaptive management
- References to Chapter 5 Shorelines Management Program
- Use of substantive authority under SEPA for climate change reduction

OVERVIEW OF PERTINENT CHAPTER SECTIONS AND ISSUES

This Chapter is significantly re-written. The 2004 adopted Comprehensive Plan had two subsections in this Chapter: Natural Environment and Endangered Species Act. The proposed changes include totally revamping the Chapter into seven sections, emphasizing what were previously just elements: air quality, land hazards, as well as adding new sections on climate change, biodiversity, and monitoring and adaptive management.

Although the Executive-proposed revisions to the text and policies of this Chapter are substantive, they directly result in very few changes to the County Code.

One Code change (to KCC 21A.24.235) is intended to add more Code flexibility by modifying standards for altering Category IV wetlands to allow combination with an existing wetland, as opposed to the current Code requirement allowing only the establishment of a new wetland. The proposed change is based on the Policy E-456, which is not being amended.

Another Code change relates to new policy E111 and is discussed in the analysis section below.

The remaining Executive-proposed revisions to the critical areas provisions of the Code (KCC 21A.24), appear intended to add additional flexibility for landowners. These are not tied to any new policy direction but appear to address the Council's long-standing interest that the County continue to seek ways to provide flexibility while ensuring continuing protection of critical areas.

As a housing keeping note, the Shorelines Management Program ("SMP") is not included in this Comprehensive Plan update. The decision whether to incorporate it in the Comprehensive Plan, or not, will be made by the Council when the SMP is taken up next year. Therefore, the references to Chapter 5,¹ should be removed. If the Council decides to physically incorporate the SMP into the Comprehensive Plan as a chapter, these references can be easily reinserted as a technical change.

In discussions with Executive staff, several issues raised by central staff have been resolved and new language for text or policy is set out in Attachment 1 to this staff report. The issues addressed below are pointed out to the Committee as substantive changes central staff believe should be highlighted.

ANALYSIS

1. Reinforcing use of SEPA substantive authority to protect listed species.

E-108 Regulations to prevent unmitigated significant adverse impacts will be based on the importance and sensitivity of the resource. The presence of a species listed as endangered or threatened by the federal government may be considered an unusual circumstance. ~~((and the e))~~King County may ~~((use))~~ exercise its substantive authority under the State Environmental Policy Act (SEPA) to condition or deny **development proposals proposed actions**² in order to mitigate ((for significant adverse environmental)) associated individual or cumulative impacts ((to that habitat that supports these species)) such as significant habitat modification or degradation that may actually kill or injure **wildlife listed species** by significantly impairing

¹ For example at page 4-43 text incorrectly states: "Protections for other Fish and Wildlife Habitat Conservation Areas, including waters of the state and lakes, are addressed in other sections of this chapter and in **Chapter 5—Shoreline Management**." (Emphasis added.)

² The bolded text in this policy represents recent Executive proposed change in response to central staff concerns.

essential behavioral patterns, including breeding, feeding, spawning, rearing, migrating or sheltering.

ISSUE: While the purpose of this policy has not changed, this revision clarifies that the County reserves the right to use its substantive authority under SEPA to “condition or deny” a project. The previous language did not explicitly articulate this and left the County vulnerable to claims that it did not have this authority.

2. Section I, subpart B “Policy and Regulatory Context”

This subpart, while new, contains previous language and policies that relate to how the County’s Comprehensive Plan policies interface with federal and state laws and regulations. In this subpart significant historical and current context is given. New policy E-111, found at page 4-8, is in response to both federal and state requirements.

E-111 King County shall evaluate development proposals subject to drainage review to assess whether the proposed actions are likely to significantly increase the loads of pollutants of concern for water bodies that are on the Category 5 List or that have otherwise been identified by King County as being in violation of state water quality standards. Drainage review should also consider whether the proposed action is likely to increase pollutants of concern to a level that would trigger a violation of state water quality standards for the receiving water. The review should consider whether measures to mitigate for the increased pollutants should be required. King County may modify the drainage requirements of development proposals to ensure consistency with TMDLs, to prevent additional discharges to Category 5 waters of the pollutants that are the subject of the listing, and to prevent additional violations of state water quality standards.

ISSUE: Pursuant to KCC 9.04.030, certain development proposals are subject to a drainage review. Under the code, proposals must submit a drainage plan to assess offsite drainage and propose solutions to any offsite impacts identified. Currently there is not policy or regulation governing impacts to water quality.

The Executive has chosen to add to the drainage plan requirement that a proponent must also assess the offsite **water quality** impacts that the development may cause and propose remediation based on the surface water design manual best management practices. See, Proposed Ordinance 2008-0125, p. 15. Executive staff reports that this new drainage plan requirement is the Executive’s selected approach to meet the NPDES permit issued by the Department of Ecology to the County. Based on concerns raised regarding the implementation of this policy, the Executive now proposes the following revision:

E-111 King County shall evaluate development proposals subject to drainage review to assess whether the proposed actions are likely to significantly increase the loads of pollutants of concern for water bodies that are listed by the Washington State Department of Ecology as Water Quality Assessment Category 2, 4 or 5 or that King County through monitoring has determined are in

violation of state water quality standards. Drainage review should also consider whether the proposed action is likely to increase pollutants of concern to a level that would trigger a violation of state water quality standards for the receiving water. The review should consider whether measures to mitigate for the increased pollutants should be required. King County may modify the drainage requirements of development proposals to ensure consistency with TMDLs, to prevent additional discharges to Category 2, 4 or 5 water bodies of the pollutants that are the subject of the listing, and to prevent additional violations of state water quality standards for water bodies that King County has determined are in violation of state water quality standards.

E-111, as now proposed, would empower the County for those water bodies (1) identified by the State as impaired³ or (2) determined by the County to be in violation of state water quality standards and require tailored responses based on the best management practices in the surface water design manual. There are still a few issues raised by this policy:

- The County is requiring proponents to respond to non-specific (i.e. pollution for which no direct cause has been determined) for Category 5 listed bodies of water before a Total Maximum Daily Load (“TMDL”) ⁴ clean up plan has been devised by the State and for Category 2 waters for which the State has not determined there is a violation. The Executive’s response is that the TMDL is an “after the fact” remedial plan whereas this policy is proactive, intended to prevent additional pollution before it can affect waters the County knows are vulnerable.
- While the State lists Category 5 water bodies and the pollutants for which a body of water is listed,⁵ there is no similar listing of water bodies by the County. As expressed by Executive staff, the intent is to incorporate into the surface water design manual provisions to provide direction to the proponent regarding where to obtain the monitoring information prior to submittal of the drainage plan.
- Even if a body of water has not yet been determined by the County to be in violation, based on the drainage plan submitted, the County could determine that the development could trigger a violation. Again, Executive staff suggest that the development regulations that will allow the proponent access to information regarding susceptible waters in order to prepare the drainage plan.

3. Climate Change

In the 2004 Comprehensive Plan, text on green house gas emissions (“GHGs”) took up three quarters of a page. In the Executive’s proposed update, climate change caused

³ Category 5 = Water body determined by the State as in violation of water quality standards; Category 4 = Water body determined by the State as in violation of water quality standards but for which a TMDL plan (clean-up) is in place; Category 3 = Water body for which the State has no data; Category 2 = Water body for which the State has information that is in violation of water quality standards; Category 1 = Water body that is acceptable.

⁴ That process involves outreach to interested parties and those who may be subject to additional controls, for participation in the development of the TMDL, as well as an analytical effort to structure an effective and reasonable cleanup plan.

⁵ The website is listed on page 4-7.

by GHGs has moved to a pre-eminent position. Now its own section, found at pages 4-10 through 4-14, there is substantial text describing the potential effects of climate change caused by GHGs. Additionally the new section breaks down how the County will address climate into subparts: assessment - how the County will measure; mitigation - how the County will reduce GHGs; adaptation - how the County will adjust to those climate change impacts that will occur; and collaboration - how the County will work with others on this global issue.

a. Climate Plan References - In the mitigation section of this section, the Executive relies heavily on the Climate Plan, a 2007 document that has not been acted on by the Council. Executive staff, recognizing that incorporating the Climate Plan into a Comprehensive Plan policy may be problematic, has proposed revisions that capture the goals of climate change reduction but are not limited to the confines of the Climate Plan which, if the Energy Plan is representative, could be changed in the intervening years. See Attachment 1 for changes to E-204 & 205.

b. CCX - By Ordinance 15556, the Council directed that the Executive negotiate an agreement to participate in the Chicago Climate Exchange ("CCX"). E-219⁶ requires the County to participate in the CCX. However, the County's commitment to that Exchange runs through 2010. In light of the fact that the Comprehensive Plan will not be updated until 2012, to broaden the policy and recognize that the County may take advantage of other market based programs in the future, Executive staff proposed a revision:

NEW PROPOSED: E-219 King County supports market-based approaches to reducing carbon emissions which send appropriate price signals for reducing carbon emissions. King County should participate in carbon markets and in doing so help to develop an effective emissions accounting methodology that recognizes the unique emissions profile of local and regional governments. King County should partner with other governments, institutions and organizations on further development of effective and efficient rules for emissions trading.

4. Use of SEPA to condition or deny development

E-207 is a new policy adopting the Executive's initiative to add green house gas pollution to the environmental review of construction projects. The policy is at page 4-12. The review covers projects undergoing environmental review mandated by the State Environmental Policy Act ("SEPA") and applies to the County's own projects and to projects where the County is the lead permitting agency.

E-207 King County shall evaluate **proposed actions**⁷ subject to the State Environmental Policy Act (SEPA) for their greenhouse gas emissions. King County may exercise its substantive authority under SEPA to

⁶ Found at page 4-14: "E-219 King County shall participate in the Chicago Climate Exchange, including making binding commitments to reduce emissions, and shall encourage participation by other local governments."

⁷ Executive requested replacement language replacing the phrase "development proposals."

condition or deny **proposed actions** in order to mitigate associated individual or cumulative impacts to global warming.

ISSUE: This policy in and of itself does not raise concerns. It is in keeping with the recent State adoption of ESSHB 2815. While the development regulations to implement E-207 have not been formally transmitted, the public review draft raises concerns:

- Too much of how the ordinance will be implemented is undeveloped and prospective. For example the methodology for estimating the average greenhouse gas emissions (“GHGs”) for the type of proposed action, as well as how reduction in GHGs will be measured “shall be made using King County approved methodology.” However the methodology is not identified.
- DDES, via a public rule process and at a later date, will promulgate the methodology. In other words, the methodology will not be subject to the scrutiny of Council review and approval.
- Similarly, DDES, at a later date by public rule, will develop a list of items that are sufficiently “green” to qualify as meeting the GHGs reduction requirement.
- The County is playing a major role on the subgroup evaluating how to clarify SEPA rules to incorporate climate change review. See Attachment 2. Waiting for those rules to be completed and vetted before passing the implementing ordinance for this policy should be considered.

5. Air Quality

This new section contains a significant rewrite of the text and policies from the 2004 Comprehensive Plan. Much of the new text links air quality to its effect on public health; how motorized transportation effects air quality and the interrelation of these to climate change. The only item that central staff would point out is that the emphasis of reducing specific air pollutants has been removed. For example the sentence: “Reducing ozone, fine particulates and toxic emissions should be the top priority followed closely by greenhouse gas emissions.” is proposed for deletion from E304, at page 4-20.

Also another policy⁸ is proposed to be moved to text, thereby reducing its import.

When queried regarding these changes, Executive staff reported: over time, different issues rise to the forefront and these changes allow for more flexibility in responding to the most current pressing issues associated with air quality.

6. Land & Water Resources

The most substantive and extensive changes to this Chapter occur with respect to the policies of how the County will protect the ecosystems within its borders. The Executive is proposing a new approach based on the concept of biodiversity; in other words, taking in the whole picture, not necessarily limiting one’s focus to one species or one

⁸ Motorized vehicle and other fuel burning engines related emissions are the primary source of ozone, fine particulate, toxics and greenhouse gas emissions in King County and therefore should be the primary focus for emissions reduction.

type of habitat to protect.⁹ The new section includes over a hundred new and revised policies.

a. E-408, at page 4-23, calls for the County to take “precautionary action” when there is a significant risk to damaging the environment. “Precautionary action,” also referred to as “no risk action” is taken from Washington Administrative Code (“WAC”) 365-195-920 as an approach where: “development and land use activities are strictly limited until the uncertainty is sufficiently resolved.”

ISSUE: the phrase “precautionary action” is from those WACs used in the context of the critical areas requirements of the GMA.

WAC 365-190-920 calls for precautionary action to be used: “Where there is an absence of valid scientific information or incomplete scientific information relating to a county's or city's critical areas, leading to uncertainty about which development and land uses could lead to harm of critical areas or uncertainty about the risk to critical area function of permitting development.”

As an interim approach, precautionary action can be coupled with an adaptive management program that would allow for experimentation of regulations to assess how they are achieving the intended objectives. However, an adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty and requires a commitment on the part of the County to address the funding for the research component of the adaptive management program. See Attachment 2, a copy of WAC 365-190-920.

The Executive’s fiscal note provides that the changes in the Comprehensive Plan will not impact the budget. When queried how this new adaptive management approach is to be funded, executive staff responded - grants. Considering the breadth of these policies and the data to be collected (see the discussion on Monitoring and Adaptive Management below), it is certainly unclear that grant funding alone will suffice. While most of these new policies are “shoulds,” and therefore lack of funding may be a basis for not implementing a policy until funding is secured, perhaps as part the work plan for next year, the Committee may wish to direct the Executive to prepare an analysis of the funding mechanisms the Executive envisions to fully implement adaptive management.

b. The executive staff have agreed to the removal of E-409¹⁰ as its intent is covered in later policies.

c. There is a new emphasis on non-native plant species, including five new policies. E-418, at page 4-25, mandates the County to develop a strategy for

⁹ However as noted in E-411 King County should give “special consideration to protection of rare, endemic and keystone species when identifying and prioritizing land areas for protection through acquisition, conservation easements and tax incentive programs.”

¹⁰ E-409 Activities that may harm rare species, habitats, and ecosystems should be undertaken cautiously, if at all.

coordinating a strategy for the eradication of state-listed noxious weeds and other non-native invasive plants on County-owned or controlled lands.

d. E-427, at page 4-28, mandates the County to implement programs to improve the availability of organic materials for soils disturbed in clearing and grading.

e. References to “Greenprint” in both text and E-441, at page 4-31, should be deleted as that program was not adopted by the Council. See Attachment 1.

f. The text in existing policies, now re-numbered E-441 and 442 (at page 4-31) have been rewritten to reflect the tiered approach to protection of aquatic resources and the more varied information to determine that approach.

g. Subsequent to 2004, the budgets for three of the four groundwater committees were eliminated. The only remaining groundwater committee is on Vashon/Maury Island. The additions to E-467 (page 4-37) give the impression that the groundwater program at the committee level is being reinvigorated. However, Executive staff confirmed that the only committee planned is Vashon/Maury Island.

Sub-element e is specifically tied to the County’s commitment to Vashon/Maury Island to perform groundwater monitoring. Based on discussions with Executive staff, this portion of the policy should be moved to the Community Plan for Vashon/Maury Island.

h. Found at page 4-44 is E-487, which restates an old policy (the second paragraph of the deleted portion of E-496) with a significant difference. The old policy mandated that King County protect candidate species’ habitat “outside the Urban Growth Area.” This new policy no longer has that restriction. In other words, just as the County must protect state and federal listed species where they are found, irrespective of the UGB, this new policy also mandates that the County will protect candidate species regardless of what side of the UGB they are found.

ISSUE: While there is no state or federal requirement to protect the habitat of candidate species, Executive staff expressed that the policy of the County now is to protect candidate species. This policy just acknowledges that species know no man-made map lines, and protecting the habitat of candidate species in the unincorporated urban areas makes sense if the intent of the policy is to help prevent elevating candidate species to being listed.

i. Pursuant to new E-486, the County “should” protect the habitats through incentives, cooperative planning, education, habitat acquisition, habitat restoration or other means supported by best available science.

j. Revised E-488, also found at page 4-44, is modified to target protection of only **native** species of local importance. Again, the limitation to protecting only habitat outside the Urban Area is removed. Additionally, the list of species has been updated. Twenty-two birds have been added to the list.

ISSUE: E-486 appears to apply to both E487 and E-488.

7. Geologically Hazardous Lands

Renamed from a sub-element “Erosion and Landslide Hazards,” this is a new section within the Chapter. The only substantive change is new text on volcanic mudflows, known as lahars, and a total revision of an existing policy at E-510. Found at page 4-52, the policy is updated to reflect the current work the County is doing with the US Geological Survey to identify the lahars; and also provides a new policy that the County should work with local governments to develop emergency response plans to those mudflows, as well as development standards.

8. Salmon Recovery and the Puget Sound Partnership

The first part of this new section is devoted to the existing policies developed to respond to the ESA listing of the salmon and the describing the County responses, including the development of the Water Resource Inventory Area (“WRIA”) plans. The existing policies have been updated to reflect the current status: (1) that the plans have been developed and (2) the creation of the Puget Sound Partnership (“PSP”).

New policies 602 and 603, found at page 4-55, are prospective in nature.

E-602 provides that the County should use the recommendations of the WRIA plans in the County’s comprehensive planning for surface water management, transportation, wastewater treatment and open space and parks.

E-603 calls for the County to support the WRIA goal of maintaining intact natural landscapes through various programs, including promoting tax incentives, stewardship plans, promoting low impact development, keeping density low in the Rural and Resource Lands, and acquiring property or development rights of property with high ecological value.

Another new policy is E-608, aimed at integrating the salmon recovery with work being performed by the hatcheries. This policy is found at page 4-56.

New text and policies regarding PSP are found at pages 4-56 through 4-57. The new policies call for the County to:

- Actively participate in the PSP and development of its recovery plan for the Puget Sound. (E-609);
- Work with others to ensure the WRIA recommendations are incorporated into the PSP recommendations (E-610); and
- Participate in the science (monitoring and assessing) that will be the foundation for PSP’s recommendations.

9. Monitoring and Adaptive Management

A new section is devoted in this Chapter to the collection and use of data in the protection of the environment. This new approach is based on monitoring (i.e. collection of data and analysis) and adaptive management.¹¹

An ambitious policy is set out at page 4-59, E-701. That policy calls for the County to develop a comprehensive and coordinated environmental data base by collecting and analyzing information on the County's air, land and water and using that information to assess the effectiveness of the County's development regulations and CIP projects.

From that information gathered, new policy E-703 promotes that the County develop a "decision support system suitable for adaptive management."

ISSUE: Again, it unclear under the funding requirement set forth in WAC 365-190-920, how the Executive plans to fund the implementation of this new approach.

It is also unclear how the data base in policy E-701 and the data collected by Kingstat as referenced in new policy E-704 are different, and how decisions to be made based on the data compiled for Kingstat is different than the "decision support system" created by E-703.

New policy E-708, at 4-60, calls for the County to implement a mechanism to measure the effectiveness of its critical area regulations and use that information to review and update the critical area policies and regulations.

ATTACHMENTS:

1. Matrix
2. WAC 365-190-920

¹¹ "Adaptive Management is defined as the process of making hypotheses of management outcomes, collecting data relevant to those hypotheses, and then using monitoring data to inform changes to policies and actions to better achieve intended goals. Adaptive management concepts are often applied in programs intended to address complex natural resource management problems, for example in Water Resource Inventory Area plans for salmon recovery or in Habitat Conservation Plans to comply with the ESA." See page 4-58.

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E-101	In addition to its regulatory authority, King County should use incentives to protect and restore the natural environment whenever practicable. Incentives should be monitored to determine their effectiveness <u>in terms of protecting natural resources.</u>	Clarify that effectiveness of incentives should be monitored in terms of protecting natural resources.	
E-102	King County should take a regional role in promoting and supporting environmental stewardship through direct education, coordinating of educational efforts and establishing partnerships with other entities that share similar environmental concerns ((or)) <u>and</u> stewardship opportunities.	Clarify that the county's regional role with respect to environmental stewardship should focus on promoting and supporting this work.	
<p>Text at 4-4:</p> <p><u>Working closely with tribes and the Washington Department of Fish and Wildlife will be essential to ensure that watershed-based salmon recovery strategies effectively integrate habitat, harvest and hatchery actions</u></p>			<p>After querying exec staff re uses of tribes, exec responded:</p> <p>Modify last sentence as follows to clarify role of tribes with treaty-reserved fishing rights as fisheries co-managers: "<u>Tribes with treaty reserved fishing rights and the Washington State Department of Fish and Wildlife (WDFW) co-manage harvest and hatchery actions. Working closely with these co-managers will be essential to ensure that watershed-based salmon recovery strategies effectively integrate habitat, harvest and hatchery actions</u></p>
E-103	King County should coordinate with local jurisdictions, <u>universities</u> , federal and state agencies, ((federally recognized)) tribes , citizen interest groups, special districts, <u>businesses</u> , and citizens to develop, <u>implement, monitor and update</u> Water Resource Inventory Area plans for all areas of King County.	<p>Reflect completion of Water Resource Inventory Area Plans and shift to implementation and monitoring. Broaden list of parties involved in WRIA Plan implementation and monitoring.</p> <p>Exec proposes re tribe reference</p> <ul style="list-style-type: none"> - Retain general term "tribes" as proposed. - This background text speaks generally about wide range of parties involved in 	<p>After querying exec staff re uses of tribes, exec responded:</p> <ul style="list-style-type: none"> - Retain general term "tribes" as proposed. - This background text speaks generally about wide range of parties involved in WRIA Plans. <p>This is consistent with RCW 77.85.050(b) – Habitat Project Lists which refers to "tribes."</p>

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	<p>WRIA Plans.</p> <p>This is consistent with RCW 77.85.050(b) – Habitat Project Lists which refers to “tribes.”</p>	
E-104 Development of environmental regulations, ((and)) restoration projects, <u>and stewardship programs</u> should be coordinated with local jurisdictions, federal and state agencies, ((federally recognized)) tribes, special interest groups and citizens when ((protecting)) <u>conserving</u> and restoring the natural environment consistent with Urban Growth Area, Rural Area and <u>designated</u> ((Natural)) Resource Land goals.	<p>Include reference to stewardship programs, which are used in tandem with regulations and restoration projects to conserve the natural environment. Clarify that policy refers to <u>designated</u> resource lands. Update reference to tribes consistent with rest of KCCP. Replace “protecting” with “conserving” consistent with use of term in other areas of the KCCP.</p>	
E-105 Environmental quality and important ecological functions shall be protected and hazards to health and property shall be minimized through development reviews and implementation of land use plans, Water Resource Inventory Area plans, surface water management plans and programs, flood hazard ((reduction)) <u>management plans</u> , <u>environmental monitoring programs</u> , and park master plans. These plans shall also encourage <u>stewardship and</u> restoration of critical areas as defined in the Growth Management Act, and include an adaptive management approach.	<p>Update language consistent with title of adopted 2006 Flood Hazard Management Plan. Add reference to stewardship, which is used in tandem with restoration of critical areas.</p>	
E-106 King County wishes to create an equitable relationship with all citizens in the Rural Area who own ((and/)) or control potential development or redevelopment of property with critical ((and/)) or significant resource areas. <u>King County should continue to provide options for property-specific technical assistance and tailored applications of critical areas regulations through Rural Stewardship, Forest Stewardship, and Farm Management Plans.</u> However, some affected property owners may not wish to ((enter into a rural stewardship, or farm, or forestry stewardship)) <u>pursue one of these plans</u> and will choose to accept fixed regulations under the critical areas, clearing and grading, and stormwater ordinances. These property owners are entitled to have their property assessed at the true and fair value of real property for taxation purposes. The portion(s) of a property that are not developed or redeveloped due to environmental constraints shall be assessed to reflect the presence of physical and environmental constraints as provided in RCW 84.40.030 and K.C.C. 4.62.010, 4.62.020, and 4.62.030.	<p>Recognize need for ongoing technical assistance to support tailored application of critical areas regulations.</p>	
E-107 The protection of lands where development would pose hazards to health, property, important	<p>Clarify link between this policy and the critical areas</p>	

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	<p>ecological functions or environmental quality shall be achieved through acquisition, enhancement, incentive programs and appropriate regulations. The following ((natural landscape features)) <u>critical areas</u> are particularly susceptible and should be protected:</p> <ul style="list-style-type: none"> a. Floodways of 100-year floodplains; b. Slopes with a grade of 40 percent or more or landslide hazards that cannot be mitigated; c. Wetlands and their protective buffers; d. Aquatic areas, including streams, lakes, saltwater shorelines and their protective buffers; e. Channel migration hazard areas; f. Designated wildlife habitat networks; g. Critical Aquifer Recharge Areas; h. Marine beaches, wetlands, intertidal and subtidal habitat and riparian zones including bluffs; i. Regionally Significant Resource Areas and Locally Significant Resource Areas; ((and)) j. Fish and Wildlife Habitat Conservation Areas((; and other critical habitat areas identified for protection through Water Resource Inventory Area plans-)); and k. Volcanic hazard areas. 	<p>categories in current code by using term "critical areas" rather than "natural landscape features." Provide policy support for existing critical areas regulations for volcanic hazard areas. Remove reference to Watershed Inventory Area Plans because these have not been used to designate Fish and Wildlife Conservation Areas.</p>	
E-108	<p>Regulations to prevent unmitigated significant adverse impacts will be based on the importance and sensitivity of the resource. The presence of a species listed as endangered or threatened by the federal government may be considered an unusual circumstance. ((and the e)) King County may ((use)) <u>exercise its substantive authority under the State Environmental Policy Act (SEPA) to condition or deny development proposals in order to mitigate</u> ((for significant adverse environmental)) <u>associated individual or cumulative impacts</u> ((to that habitat that supports those species)) <u>such as significant habitat modification or degradation that may actually kill or injure wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, spawning, rearing, migrating or sheltering.</u></p>	<p>Update terminology consistent State Environmental Policy Act (SEPA) and the federal definition of impacts to threatened or endangered species.</p>	
E-109	<p>King County should promote efficient provision of utilities and public services by exempting minor activities from its critical areas regulations, ((provided)) <u>if</u> the agency has an approved best management practice plan approved by King County, and the plan ensures that proposed projects that may affect habitat of listed species be carried out in a manner ((which)) <u>that</u> protects the resource or mitigates adverse impacts.</p>	<p>Technical edit - grammar</p>	
E- ((434)) 110	<p>Surface waters designated by the state as Water Quality Impaired under the Clean Water Act (water bodies included ((on the State 303(d) list)) <u>in Category 5 of the Water Quality Assessment</u>) shall be improved through monitoring, source controls,</p>	<p>Update policy with current Clean Water Act terminology and requirements.</p>	

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best management practices, enforcement of existing codes, and, where applicable, implementation of Total Maximum Daily Load plans ((TMDLs))). The water quality of ((all)) other ((state-classified)) water bodies shall be ((maintained)) protected or improved through these same measures, and other additional measures that may be necessary to ensure there is no loss of existing beneficial uses. Any beneficial uses lost since November 1975 shall be restored wherever practicable, consistent with the Federal Clean Water Act.		
<p><u>E-111 King County shall evaluate development proposals subject to drainage review to assess whether the proposed actions are likely to significantly increase the loads of pollutants of concern for water bodies that are on the Category 5 List or that have otherwise been identified by King County as being in violation of state water quality standards. Drainage review should also consider whether the proposed action is likely to increase pollutants of concern to a level that would trigger a violation of state water quality standards for the receiving water. The review should consider whether measures to mitigate for the increased pollutants should be required. King County may modify the drainage requirements of development proposals to ensure consistency with TMDLs, to prevent additional discharges to Category 5 waters of the pollutants that are the subject of the listing, and to prevent additional violations of state water quality standards.</u></p> <p>6/12 exec proposal:</p>	When a development project is proposed upstream of a water body documented to be in or close to violation of state water quality standards, best management practices should be considered for implementation on the development project to prevent or minimize increases in the pollutants that are in or close to violation of water quality standards.	
((E-128 Development within designated shoreline environments shall preserve the resources and ecology of the water and shorelines, avoid natural hazards, promote visual and physical access to the water, protect ESA listed species and their critical habitat, and preserve archeological, traditional cultural resources, shellfish resources, and navigation rights. Protection of critical areas shall take priority over visual values and physical access.))	Inclusion of shoreline management policies in Chapter 5 makes this policy unnecessary	
<u>E-201 King County shall complete and update its greenhouse gas emissions inventory on a regular basis using established greenhouse gas emissions accounting protocols, and should work with local and state governments to account for greenhouse gas emissions in the evaluation of regional investments.</u>	Up-to-date information on emissions, using established GHG accounting methodologies, is necessary to track county progress in reducing GHG emissions. Collaboration with other governments is needed to develop a common and	

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	<p>accepted approach to evaluating regional investments.</p> <p>Make KCCP policies consistent with Motion 12362 and Ordinance 15556. Create greater regulatory and programmatic certainty for local governments who are investing in actions to reduce GHG emissions.</p>	
<u>E-202 King County shall collaborate with other local governments regionally, nationally and internationally to develop a common approach to accounting for greenhouse gas emissions from municipal operations.</u>	Documenting emissions from local governments can be more complex than for industry, given the interplay of land use and transportation planning and the uncertainties of actions by individual citizens. A common approach for accounting for green house gas emissions is needed to make targets for emissions meaningful and measurable.	
<u>E-203 King County should continue to collaborate with experts in the field of climate change, including scientists at the University of Washington's Center for Climate Change, to monitor and assess the impacts of climate change in King County.</u>	Climate change is a new and evolving field. Collaboration with experts in the field helps to ensure use of best available information.	
<p><u>Exec 6/12 proposal to strike</u></p> <p><u>E-204 King County's operations and actions associated with management of county-owned facilities, investments in infrastructure, land use planning, environmental protection programs, participation in salmon conservation and water supply planning efforts, and other climate changes actions carried out by King County staff should be carried out in accordance with the King County Climate Plan.</u></p>	The King County Climate Plan includes detailed recommendations for a wide range of County programs, from facilities management to flood hazard reduction. Including a reference to the Climate Plan in the Comprehensive Plan make Climate Plan recommendations more visible and transparent to the public, other governments, and county agency staff.	
<p><u>Exec 6/12 proposal to strike</u></p> <p><u>E-205 King County shall seek to reduce net carbon emissions from county operations by six percent below year 2000 emissions by the year 2010.</u></p> <p>Replace 204 & 205 with:</p> <p><u>King County should seek to reduce greenhouse gas emissions from all facets of its operations and actions</u></p>	King County has made a binding commitment to this target as part of membership in the Chicago Climate Exchange. Policy is consistent with Motion 12362 and the King County Climate Plan.	

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<u>associated with construction and management of county-owned facilities, investments in infrastructure, land use planning, transportation, and environmental protection programs. King County's goals should be to reduce its net carbon emissions from county operations by six percent below year 2000 emissions by 2010.</u>		6/12 Central staff added in net carbon to more closely follow the motion
E-206 <u>King County shall maximize the creation of resources from waste products from county operations such as gases produced by wastewater treatment and solid waste disposal in a manner that reduces greenhouse gas emissions and produces renewable energy.</u>	County facilities that are among its biggest energy users (like the wastewater treatment plants) also present opportunities for capturing waste products from operation (like methane gas) and converting it to energy.	
E-207 <u>King County shall evaluate development proposals subject to the State Environmental Policy Act (SEPA) for their greenhouse gas emissions. King County may exercise its substantive authority under SEPA to condition or deny development proposals in order to mitigate associated individual or cumulative impacts to global warming.</u>	Review of development proposals subject to SEPA review for GHG emissions will provide data on emissions from different types of developments actions carried out in accordance with King County land use policies and building codes. This data will provide a basis for analyzing the relative impacts of different types and locations of development, help to establish thresholds for significant adverse impacts, and help to identify appropriate mitigations authorized by this policy.	
E-209 <u>King County should ensure that its land use policies, development and building regulations, technical assistance programs, and incentive programs support and encourage the use of passive and active solar energy as a no-emission alternative to traditional energy sources.</u>	Solar energy as no-emission alternative to traditional energy sources. This policy is intended to ensure that King County regulations and programs are supportive of solar energy.	
E-((146))210 <u>King County will continue to evaluate its own maintenance and operations practices, including procurement, for opportunities to reduce its own emissions or emissions produced in the manufacturing of products.</u>	Technical edit.	
Revision to E-218 moved at exec request E-218 <u>King County supports market-based approaches to reducing carbon emissions which send appropriate price signals for reducing emissions. Carbon markets should be based on binding commitments to reduce carbon emissions, common standards for accounting for greenhouse gas emissions and</u>		

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carbon credits, and purchase of carbon credits to offset carbon emissions.		
Revision and move of E-219 exec request		
E-219 <u>King County should participate in carbon markets, and in doing so, should help to develop effective carbon emissions accounting methodologies that recognize the unique emissions profiles of local and regional governments. King County should partner with other governments, institutions and organizations on further development of effective and efficient rules for emissions trading.</u>		
E-211 <u>King County should take steps to raise awareness about climate change impacts and should collaborate with climate science experts, federal and state agencies, and other local governments to develop strategies to adapt to climate change.</u>	Climate change adaptation is a relatively new undertaking for most local governments. King County is already collaborating with climate science experts, federal and state agencies, and local government, and should share information on adaptation strategies with other local governments.	
E-212 <u>King County should collaborate with climate scientists, federal and state agencies, and other local governments to evaluate and plan for the potential impacts of coastal flooding associated with sea level rise.</u>	Sea level rise could affect rates of shoreline erosion, groundwater quality, siting of septic systems, and the potential for damage to low-lying infrastructure like West Point wastewater treatment plant. It is essential to have projections sea level rise to inform decisions future land use, emergency planning, and infrastructure investments.	
E-213 <u>King County should consider projected impacts of climate change, including more severe winter flooding, when updating disaster preparedness, levee investment, and land use plans, as well as development regulations.</u>	Climate change is projected to result in more severe storms in winter and droughts in summer. To minimize risks to public health and safety and damage to public infrastructure and private property, it is essential that projected climate change impacts be considered when updating disaster preparedness, levee investment, land use plans, and development regulations.	
E-214 <u>King County should collaborate with climate</u>	Climate change is anticipated	

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<u>scientists in order to increase knowledge of current and projected climate change impacts to biodiversity.</u>	to have wide ranging impacts on biodiversity, including biological invasions, changes in vegetative cover, disease resistance, and range shifts. To meet the goal of protecting and enhancing native biodiversity, will be important to understand and plan for the impacts of climate change on biodiversity.	
E-215 <u>King County should consider projected impacts of climate change on habitat for salmon and other wildlife when developing long-range conservation plans and prioritizing habitat protection and restoration actions.</u>	Climate change is anticipated to have wide ranging impacts habitat, including changes in stream flow, water temperature, vegetative cover, and storms patters. In order to develop habitat protection and restoration strategies that will be effective over the long-run, it will be important to consider projected impacts of climate change (impacts on summer stream flows and temperature is an example	
E-216 <u>King County should work with other local governments through cooperative frameworks like the International Council on Local Environmental Initiatives to develop climate change mitigation tools tailored to local governments.</u>	Climate change adaptation is a relatively new undertaking for most local governments. King County is already collaborating with climate science experts, federal and state agencies, and local government, and should share information on adaptation strategies with other local governments.	
E-217 <u>King County should collaborate with other local governments in the region with the aim of reducing greenhouse gas emissions throughout the region to 80 percent below ((current))2007 levels by 2050.</u>	The largest source of GHG emissions in King County is from vehicles. Substantial reductions in these emissions will only be possible through regional collaboration and decision-making related to land-use and transportation.	Pursuant to cs concern, exec proposed a static start baseline date
Exec proposal to move to the mitigation section with new intro text E-218 <u>King County supports the creation of carbon markets based on binding commitments to reduce carbon emissions, common standards for accounting for greenhouse gas emissions and carbon credits, and purchase of carbon credits to offset carbon emissions.</u>	Make KCCP policies consistent with Motion 12362 and Ordinance 15556. Create greater regulatory and programmatic certainty for local governments who are investing in actions to reduce GHG emissions.	

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Exec proposal to revise and move to the mitigation section with new intro text	Make KCCP policies consistent with Motion 12362 and Ordinance 15556.	
E-219 King County shall participate in the Chicago Climate Exchange, including making binding commitments to reduce emissions, and shall encourage participation by other local governments.	Create greater regulatory and programmatic certainty for local governments who are investing in actions to reduce GHG emissions.	
E-301 <u>King County should include a multiple benefit approach incorporating improved air quality and public health, promotion of economic opportunities, and contributions to creating and maintaining high quality natural and built environments in responding to climate change.</u>	Actions to improve air quality, public health, economic opportunities, and quality of life and to address climate change are often mutually beneficial, and should be carried out in a coordinated manner.	
E-302 <u>King County should work to reduce air-quality related health inequities and the exposure of sensitive populations to poor air quality through land use and transportation actions.</u>	Certain populations, including those living close to roads with high traffic volumes, the elderly, and those with existing chronic illness or disease are considered more sensitive to air pollutants than the general population. Immigrant communities, communities of color, and low income communities often live or work in places where their exposure to pollutants and air toxics is disproportionately high.	
E-((147))303 <u>King County, through its comprehensive plan policies and development regulations, should promote healthy community designs that enable walking, bicycling, and public transit use, thereby reducing greenhouse gas emissions and regional air pollution.</u>	Land use and development regulations are the template for development patterns and modes of transportation. Policy is being amended to emphasize that changes in policies and development regulations are needed to support healthy community designs.	
E-((140))304 <u>King County shall work to reduce air pollutants and greenhouse gas emissions from its operations and seek to promote policies and programs that reduce emissions in the region. ((Reducing ozone, fine particulates and toxic emissions should be the top priority followed closely by greenhouse gas emissions.))</u>	County facilities that are among its biggest energy users (like the wastewater treatment plants) also present opportunities for capturing waste products from operation (like methane gas) and converting it to energy.	
((E-111 Motorized vehicle and other fuel burning engines related emissions are the primary source of ozone, fine particulate, toxics and greenhouse gas	Policy moved to background text.	

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emissions in King County and therefore should be the primary focus for emissions reduction.))		
E-((112))305 ((A reduction in automobile use will have a direct benefit for)) <u>King County should reduce automobile-related pollutant emissions through ((improving air quality and should include))</u> initiatives such as: a. Increased transit services, options and alternatives; b. Ridesharing; and c. Innovative pricing programs to capture the true cost of driving.	Clarifying edits consistent with other policy language in the KCCP.	
((E-113 Improving vehicle efficiency and after treatment technology, as well as cleaning up petroleum fuels and fuel switching should be key strategies for reducing motorized vehicle related emissions. Such strategies should include: a. Support for state and federal initiatives that improve fuel economy and therefore reduce greenhouse gas emissions; b. Continued investment into cleaner fuels and related emissions treatment technologies; c. Support for alternative fuels where financially practicable.))	Deletion reflects addition of transportation and energy-specific climate change and air quality policies to Chapters 7 and 8.	
E-((144))306 ((In addition to motorized vehicle related reductions, the county)) <u>King County</u> should support initiatives that reduce emissions due to indoor and outdoor wood burning consistent with the actions of PSCAA to control this source of public health threat.	Technical edit to reflect deletion of previous policy.	
E-((148))307 <u>King County will continue to actively develop partnerships with the Puget Sound Clean Air Agency, local jurisdictions, the state, and public, private, not-for-profit groups to promote programs and policies that reduce emissions of ozone, fine particulates, toxics, and greenhouse gases, particularly for those populations already experiencing health disparities linked to air quality.</u>	Immigrant communities, communities of color, and low income communities often live or work in places where their exposure to the six criteria pollutants and other air toxics is disproportionately high compared to the greater population. This is an example of health inequity, which is a major factor in the disability, sickness, and early death rates among different populations.	
E-401 <u>King County's conservation efforts should be integrated across multiple landscape scales and species.</u>	Management within the context of a landscape helps to ensure the actions in one area will not be undone or rendered unsustainable by conditions in the surrounding watershed or ecoregion.	
E-402 <u>King County should carry out conservation planning efforts in close collaboration with other local governments, tribes, state and federal</u>	Promotes collaboration with other agencies and tribes. This is important because	

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	<u>governments, and land owners.</u>	conservation issues cross jurisdictional boundaries.	
E-403	<u>King County should develop a biodiversity conservation framework and conservation strategy to achieve the goals of maintaining and recovering native biodiversity. This framework should be coordinated with the Washington Biodiversity Conservation Strategy where applicable.</u>	Promotes the establishment of a conservation strategy that could be used to guide conservation actions including acquisitions and establishment of easements and subsequent additions to the wildlife habitat network. Ensures consistency with state-level biodiversity conservation strategy. Would develop a foundation for transitioning from species-by-species management to more ecosystem based approaches being developed by federal and state agencies.	
E-404	<u>King County should develop a countywide landscape characterization system based on ecoregions as a basis for assessing, protecting, and recovering biodiversity</u>	A countywide landscape characterization based on ecoregions would be consistent with Ecoregional Assessments carried out by the Environmental Protection Agency, and facilitate understanding and management of King County to maximize its biodiversity and ecological value	
E-405	<u>King County's efforts to restore and maintain biodiversity should place priority on protecting and restoring ecological processes that create and sustain habitats and species diversity.</u>	Recognizes that biological diversity can only be conserved if the processes that sustain diversity are conserved (as opposed to single-species management).	
E-406	<u>King County should conserve areas where conditions support dynamic ecological processes that sustain important ecosystem and habitat functions and values. These areas include stream confluences, headwaters, and channel migration zones.</u>	Emphasizes the importance of dynamic ecological processes in particular ecosystems that create and sustain habitat functions and values.	
E-407	<u>King County should use a mixture of information on historic, current, and projected future conditions to provide context for managing public hazards and protecting habitat.</u>	Promotes the use of historic information as well as current information in land management.	
E-408	<u>King County should take precautionary action where there is a significant risk of damage to the environment. Precautionary action should be coupled with monitoring and adaptive management.</u>	Promotes using the precautionary principle when facing high risk of damage to environment by a given action.	
6/12 Exec proposal to eliminate E-409	<u>Activities that may harm rare species, habitats, and</u>	Emphasizes that rare habitats and ecosystems	

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	ecosystems should be undertaken cautiously, if at all.	should not be harmed.	
E-410	<u>King County should assess the relative scarcity of different land types and resources, the role of these lands in supporting sensitive species, and the level of threat to these lands in terms of habitat modifications that would likely reduce populations of sensitive species.</u>	Information on relative scarcity and role of different lands can help to inform conservation priorities.	
E-411	<u>King County should give special consideration to protection of rare, endemic, and keystone species when identifying and prioritizing land areas for protection through acquisition, conservation easements, and tax incentive programs.</u>	Promotes that conservation efforts should prioritize the protection of rare, endemic, and keystone species.	
E-412	<u>Knowledge of ecological patterns and time scales should inform conservation, monitoring, and other management actions.</u>	Promotes incorporating appropriate time scales into management planning and actions.	
E-413	<u>King County's land use planning, regulatory, and operational functions related to environmental protection, public safety, and equity should be closely coordinated across departments to achieve an ecosystem-based approach.</u>	Promotes coordination across County departments on programs and projects that impact the county's ecosystems.	
E-414	<u>Introductions of non-native, invasive plant, vertebrate, and invertebrate species should be avoided in terrestrial, freshwater, and marine environs.</u>	Non-native invasive species can drive out native species, reduce species diversity, and increase maintenance demands on county-owned lands.	
E-415	<u>On county-owned lands, King County should use locally adapted native species for natural area landscaping, restoration, rehabilitation, and erosion control. Habitat restoration projects should include provisions for adequate maintenance of plantings to prevent invasion of weeds and ensure survival of native plantings.</u>	Native plants support wildlife and species diversity, and once established can require less maintenance. Initial maintenance investment supports long-term survival.	
E-416	<u>King County should promote and restore native plant communities where sustainable, feasible, and appropriate to the site and surrounding ecological context.</u>	Promotes restoration of native plant communities.	
E-417	<u>King County should provide technical assistance and incentives for private landowners who are seeking to remove invasive plants and noxious weeds and replace them with native plants.</u>	Land owners are the best stewards of their property, and King County should their efforts to remove invasive and noxious weeds and replace them with native plants.	
E-418	<u>King County shall develop a coordinated strategy for preventing, monitoring and controlling infestations of state-listed noxious weeds and other non-native invasive weeds of concern on county-owned and managed lands.</u>	Ensure coordination between multiple county agencies that manage county-owned lands. Ensure consistency with Motion 2007-0362 .	
E-419	<u>Management activities should, when feasible and practicable, be designed in a manner that can test management objectives.</u>	The intent of this recommendation is to establish testable	

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	hypotheses when appropriate so that we can benefit by learning from management actions. Often we make the assumption that given actions are creating a net benefit; however, these assumptions should sometimes be tested to verify if time and money is well spent.	
E-((139))420 Stormwater runoff shall be managed through a variety of methods, with the goal of limiting impacts to aquatic resources, reducing the risk of flooding, protecting and enhancing the viability of agricultural lands and promoting groundwater recharge. Methods of stormwater management shall include temporary erosion and sediment control, flow control facilities, water quality facilities as required by the Surface Water Design Manual, and best management practices as described in the Stormwater Pollution Control Manual. Runoff caused by development shall be managed to prevent adverse impacts to water resources, <u>forests</u> , and farmable lands. Regulations shall be developed for lands outside of the Urban Areas that favor nonstructural stormwater control measures when feasible including: vegetation retention and management; clearing limits; limits on actual and effective impervious surface ((and impacting impervious surface)) ; low-impact development methods that ((disburse)) <u>minimize direct overland runoff ((into native vegetation))to receiving streams</u> ; and limits on soil disturbance.	Forest health can be impacted by stormwater runoff. Description of low-impact methods should be broader to encompass larger range of tools, consistent with stormwater code.	
E-421 <u>King County recognizes that protecting and restoring headwater and upland forest cover is important for preventing flooding, improving water quality, and protecting salmon and other wildlife habitat. The central role that forest cover plays in supporting hydrologic and other ecological processes should be reflected in policies and programs addressing stormwater management, flooding, wildlife, and open space.</u>	Make KCCP consistent with Best Available Science and current approach for protecting Critical Areas through linked provisions in the Stormwater, Clearing and Grading, and Critical Areas Codes.	
E-422 <u>King County's critical areas and clearing and grading regulations should provide for activities compatible with long-term forest use, including use of recreational trails, firewood collection, forest fire prevention, forest management, and control of invasive plants.</u>	Reflect provisions of updated Clearing and Grading and Critical Areas Codes. More consistent with GMA goals and other goals in the KCCP encouraging forestry in rural areas.	
E-423 <u>King County recognizes the value of trees and forests in both rural and urban communities for benefits such as improving air and water quality and enhancing fish and wildlife habitat. The county</u>	Recognize value of trees and forests in both rural and urban areas. (Past focus has been on rural areas).	

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<u>promotes retention of forest cover and significant trees using a mix of regulations, incentives, and technical assistance.</u>		
E-((484))424 Conservation of native soils should be accomplished through various mechanisms to ensure soils remain healthy and continue to function as a natural sponge and filter, minimizing erosion and surface water runoff. Native soils <u>and vegetation should be left undisturbed and protected during construction as much as possible.</u> Where soil disturbance is unavoidable, native soils should be ((retained)) <u>stockpiled on site and reused on site in accordance with best management practices</u> to the maximum extent possible.	Update policy to reflect recent code changes.	
E-((485))425 King County shall require the use of ((Q)) organic matter <u>to restore</u> ((should be used in)) disturbed soils ((such as those found in developed areas, and shall be increased through various mechanisms)) <u>on site developments.</u>	Update policy to reflect recent code changes.	Already required by KCC 16.82.100G1.
E-426 The role of salmon in transferring nutrients and <u>maintaining the productivity of riparian and floodplain soils should be incorporated in the development of salmon and soil conservation plans.</u>	Highlight role of migrating salmon in transferring nutrients and maintaining productivity of riparian and floodplain soils.	
E-((486))427 King County ((should)) <u>shall</u> implement programs to improve availability and markets for organic materials for soils that have been disturbed by new and existing developments.	Use of “shall” more consistent with requirements of recent code updates.	
E-((488))429 King County shall identify long-term options for expanding the organic waste material processing capacity in the county <u>in order to provide alternatives for management of manure, food waste, and wood, and to increase the availability of organic soil amendments.</u>	Clarify objectives of existing policy calling for expansion of organic waste material processing capacity.	
E-((489))430 King County shall promote, ((and)) encourage, and require, where appropriate, the beneficial use of organic materials, including but not limited to their use in the following activities: agriculture and silviculture; road, park and other public project development; site development and new construction; restoration and remediation of disturbed soils; nursery and sod production; and landscaping. <u>For these purposes, ((Q))organic materials do not include fly ash.</u>	Update policy to reflect recent code changes requiring restoration of disturbed soils on site developments. Use of organic materials can improve soils, conserve water, and decrease the disposal of this valuable resource in landfills.	
E-((490))431 King County agencies shall use recycled organic products, such as compost, whenever feasible <u>and promote the application of organic material to compensate for historic losses of organic content in soil caused by development, agricultural practices, and resource extraction.</u>	Clarifies focus of policy on areas most subject to soil loss.	
E-432 King County will seek to enhance soil quality, <u>and protect water quality and biodiversity across the landscape by developing policies, programs, and incentives that support the goal of no net loss of organic material.</u>	Healthy soil can conserve and filter water and can support a greater diversity of plants and animals.	

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E-((492))434 King County shall develop alternatives to improve onsite and offsite management of livestock wastes and recommend strategies to integrate processing livestock wastes with other organic waste materials. These strategies should be consistent with the King County Comprehensive Solid Waste Management Plan, including but not limited to on-farm composting and land application of processed yard debris. Alternative strategies for onsite and offsite management of livestock wastes shall be based on farm management plans, which protect water quality in streams and wetlands. Solid waste management and water quality programs should be developed to prevent liquid farm wastes from contaminating our watersheds. <u>These programs should be integrated with actions required under the Clean Water Act and other federal and state mandates.</u>	Compliance with the Clean Water Act is costly for both King County and for local farmers. As the county works with landowners to develop alternatives for management of livestock wastes, it should integrate these efforts with actions being required for compliance with Clean Water Act.	
E-((449))435 King County shall use incentives, regulations, <u>capital projects, open space acquisitions, public education and stewardship, and other programs like reclaimed water</u> to manage its ((water resources)) <u>aquatic resources</u> (Puget Sound, rivers, streams, lakes, freshwater and marine wetlands and groundwater) and to protect and enhance their multiple beneficial uses. <u>These beneficial uses ((—)) includ((ing))e fish and wildlife habitat((;)) flood risk reduction ((and erosion control)); water quality control ((and)); sediment transport((;)) water supply for agricultural, municipal, and industrial purposes; energy production((;)) transportation((;)) recreational opportunities and scenic beauty.</u> Use of water resources for one purpose should, to the fullest extent practicable, preserve opportunities for other uses.	Flood and erosion are both natural processes that cannot be controlled, but can be reduced and managed. King County is moving away from using the term "flood control" and is using "risk reduction" or "reduction" in the 2006 Flood Hazard Management Plan.	
E-((424))437 King County shall integrate watershed plans with marine and freshwater surface water, <u>flood hazard management, groundwater, drinking water (and), wastewater, and reclaimed water planning, as well as federal and state Clean Water Act compliance and monitoring and assessment programs</u> to provide efficient water resource management.	Ensure that multiple water resource planning, monitoring, and assessment efforts are well integrated.	
E-438 King County should use the information from the <u>regional water supply planning process to enhance the county's water resource protection and planning efforts, including salmon recovery planning and projects.</u>	Recognize functional linkage between water withdrawals, stream flows, and habitat. Encourage integrated water resource planning.	
E-((422))439 As watershed plans are developed <u>and implemented</u> , zoning, regulations and incentive programs may be developed, applied and monitored so that critical habitat in King County watersheds is capable of supporting sustainable	Reflect completion of Water Resource Inventory Area (WRIA) plans and shift to implementation phase.	

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and fishable salmonid populations. Watershed-based plans should define how the natural functions <u>and values</u> of watersheds critical to salmonids are protected so that the quantity and quality of water <u>and sediment</u> entering the streams, lakes, wetlands and rivers <u>can</u> support salmonid spawning, rearing, resting, and migration.	Reflect current terminology and monitoring programs.	
E-((125))440 Responsibility for the costs of watershed planning and project implementation, including water quality, ((flood hazard reduction)) <u>groundwater protection</u> , and fisheries habitat protection, should be shared between King County and other jurisdictions within a watershed.	Reflect recent creation of a Countywide Flood Control Zone District to support implementation of flood hazard reduction projects. See new Policy F-268 in Chapter 8 for more information on funding of flood hazard management actions.	
E-((126))441 <u>King County's Shoreline Master Program</u> , ((W))watershed management plans, Water Resource Inventory Area plans, flood hazard ((reduction)) management plans ((and)), master drainage plans, ((("Greenprint")) open space acquisition plans, and critical areas regulations should apply a tiered system of protection that affords a higher standard of protection for more significant resources. ((Resource categories should include Regionally Significant Resource Areas (RSRAs), Locally Significant Resource Areas (LSRAs), Fish and Wildlife Habitat Conservation Areas, and remaining resources. Where appropriate, additional designations shall be made as additional information on environmental functions becomes available.))	The existing policy references the 1993 King County Flood Hazard Reduction Plan. This plan has been replaced by the 2006 King County Flood Hazard Management Plan. Groundwater protection costs within the Groundwater Protection Planning Areas are currently being shared between King County and other jurisdictions (Issaquah, Redmond, and Woodinville) via Interlocal agreement pursuant to KCC 9.14.	Green print not approved by Council
E-((127))442 ((Regionally Significant Resource Areas (RSRAs) and Locally Significant Resource Areas (LSRAs) shall be mapped, designated by ordinance and protected at appropriate levels as part of early and long-term actions towards salmon conservation and recovery under the ESA. These designations shall be based on adopted basin plans or habitat/resource assessments completed for the Waterways 2000 program, but may be changed or new areas may be designated pursuant to recommendations of Water Resource Inventory Area plans. The Executive shall study the standards of protection needed for RSRAs and LSRAs.)) <u>A tiered system for protection of aquatic areas resources should be developed based on an assessment of basin conditions using Regionally Significant Resource Area and Locally Significant Resource Area designations, WRIA Plans, habitat assessments completed for acquisitions plans, the</u>	Reflect adoption of "Basin Conditions Map" as part of the Critical Areas Ordinance. Conditions map is based on a tiered assessment of basin conditions.	Under the definition of aquatic areas, wetlands are not be included. To ensure that this policy extends to wetlands, the word "resources" is used. See definition of aquatic resources at p. 4-29.

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<u>Water Quality Assessment, Total Maximum Daily Loads, ongoing monitoring programs, and Best Available Science.</u>		
E-129 King County shall implement the Puget Sound Water Quality Management Plan to restore and protect the biological health and diversity of the Puget Sound Basin.)	Deletion reflects initiation of Puget Sound Partnership.	
E- ((134)) 443 As required by RCW 36.70A.175, King County shall use ((as minimum standards)) the current Washington State Wetlands Identification and Delineation Manual ((, 1997, or its successor which is)) adopted by the ((King County Council)) Washington State Department of Ecology.	Provides technical corrections to existing policy.	
E-444 King County shall categorize wetlands using the <u>current Washington State Wetland Rating System for Western Washington ((or its successor)).</u>	Makes existing policy more explicit.	
E-445 ((and is)) King County will apply the <u>current</u> scientifically accepted replacement methodology based on ((better)) technical criteria and field indicators jointly published in <u>Wetland Mitigation in Washington State</u> by Washington State Department of Ecology, US Army Corps of Engineers Seattle District and the Environmental Protection Agency Region 10 in 2006 and modified by King County.	Provides complete and latest information on characterizing, rating and protecting wetlands as suggested by wetland regulatory agencies primarily Washington State Department of Ecology, US Army Corps of Engineers and US EPA.	
E- ((135)) 446 King County shall ((work)) <u>communicate and coordinate</u> with other jurisdictions and ((federally recognized)) tribes to establish uniform countywide wetlands policies that provide protection of both regionally and locally ((unique)) <u>highly-rated wetlands.</u>	Clarify language. Update reference to tribes consistent with rest of KCCP.	
E- ((136)) 447 King County's overall goal for the protection of wetlands is no net loss of wetland functions and values within each drainage basin. Acquisition, enhancement, regulations, and incentive programs shall be used independently or in combination with one another to protect and enhance wetlands functions and values. Watershed management plans, including ((Water Resource Inventory Area)) <u>WRIA</u> plans, should be used to coordinate and inform priorities for acquisition, enhancement, regulations, and incentive programs within unincorporated King County to achieve the goal of no net loss of wetland functions and values within each drainage basin.	Technical edit.	
E- ((138)) 449 Areas of native vegetation that connect wetland ((systems)) <u>complexes</u> should be protected. Whenever effective, incentive programs such as buffer averaging, density credit transfers, or appropriate non-regulatory mechanisms shall be used <u>for this purpose.</u>	Update with current terminology.	
E-450 King County should identify upland areas of native <u>vegetation that connect wetlands to upland habitats and that connect upland habitats to each other.</u>	This new policy provides support for the scientific concept of habitat	

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<u>The county should seek protection of these areas through acquisition, stewardship plans, incentive programs such as the Public Benefit Rating System, and the Transfer of Development Rights Program.</u>	complementation – in other words, for the protection of upland areas that contribute to the wildlife functions and values of wetlands and for overall County biodiversity.	
E- ((144)) 453 Regulatory approaches for protecting wetland functions and values, including the application of wetland buffers <u>and the siting of off-site compensatory mitigation</u> , should consider ((wetland functions and values,)) intensity of surrounding land uses ((,)) and basin conditions. King County should continue to review ((wetland research)) and evaluate ((the need for)) <u>wetland research and implement changes in its wetland protection programs based on such information.</u>	Adds clarity to the existing policy.	
E- ((142)) 454 Enhancement or restoration of degraded wetlands may be allowed to maintain or improve wetland functions and values, provided that all wetland functions are evaluated in a wetland management plan, and adequate monitoring, code enforcement and evaluation is provided and assured by responsible parties. Restoration or enhancement must result in a net improvement to the functions <u>and values</u> of the wetland system. Technical assistance to small property owners should be considered.	Update with current terminology.	
E- ((143)) 455 Alterations to wetlands may be allowed to: a. Accomplish a public agency or utility development; b. Provide necessary <u>crossings for utilities</u> , stormwater tightlines and roads ((crossings)) ; or c. ((Avoid a denial of all)) <u>Allow constitutionally mandated “reasonable use” of the property, provided all wetland functions are evaluated, the least harmful and reasonable alternatives are pursued, affected significant functions are appropriately mitigated, and mitigation sites are</u> ((provided with monitoring)) <u>adequately monitored.</u>	Provides more explicit and comprehensive language by including other examples of public use exemptions. Also, provides for more readable text.	
E- ((144)) 456 A small Category IV wetland that is less than 2,500 square feet and that is not part of a wetland complex may be altered to move functions to another wetland ((on site)) as part of an approved mitigation plan <u>that results in equal or greater functions that is consistent with E-457 and E458.</u>	Reflect exiting code. Reflect no net loss policy. 6/12 - revisions requested by exec	
E- ((145)) 457 <u>Wetland impacts should be avoided if possible, and minimized in all cases. Where impacts cannot be avoided, they should be mitigated on-site if possible and if ecologically appropriate. Where on-site mitigation is not possible or appropriate, King County may approve off-site mitigation. In approving mitigation proposals, King County should consider the ecological context of the impacted wetland, as well</u>	Revised to be consistent with the CAO and state and federal requirements for sequencing of addressing potential wetland impacts – avoid, minimize, then mitigate. And mitigate on site if possible, off-site if not.	

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<p>as the wetland acreage, functions, and values. Mitigation sites should <u>first</u> replace or augment the functions and values <u>that are most important to the optimum functioning of the wetland being created, restored, or enhanced</u>. These may differ from those lost as a result of the project proposal. Wetland mitigation proposals should ((be approved if they would)) result in ((improved)) no net loss, and if possible, in an increase in, overall wetland functions and values within ((a)) <u>the drainage basin in which the impacted site is located</u>. ((All wetland functions and values should be considered. Mitigation sites should be located strategically to alleviate habitat fragmentation, and avoid impacts to and prevent loss of farmable land within Agricultural Production Districts.))</p>	<p>Also revised to reflect BAS by requiring landscape context be considered in siting of off-site mitigation, and by allowing for out-of-kind mitigation where the landscape ecological context suggests a better outcome. This is critical to allow mitigation banking and in-lieu fee programs (Mitigation Reserves) as viable mitigation options. Finally, the final statement regarding farmable land within the Agriculture Production Districts is moved to a stand-alone policy in policy E-462.</p>	
<p>E-((146))458 Mitigation projects should contribute to an existing wetland system or restore an area that was historically a wetland. <u>Mitigation sites should be strategically located to alleviate habitat fragmentation or to restore and enhance area-specific functions within a watershed</u>. ((The goal for these mitigation projects is no net loss of wetland functions and values within a drainage basin.))</p>	<p>Provide greater specificity in siting mitigation projects by including habitat fragmentation as an additional mitigation consideration.</p> <p>The language in the last sentence is moved into policy E-457.</p>	
<p>E-((148))460 The county in partnership with ((jurisdictions)) <u>other governmental entities and interested parties should ((implement the)) encourage the development and use of wetland mitigation bank((ing program))s through which functioning wetlands are created prior to the impacting of existing wetlands</u>.</p>	<p>Build on former pilot program to support broader use of mitigation banking, including coordination with other jurisdictions.</p>	
<p>E-461 <u>The county should encourage the use of Mitigation Reserves, in which wetlands are selected and pre-purchased for active management (enhancement, restoration, protection) in advance of wetland-impacting activities. The county should continue to implement its Mitigation Reserves program to provide an in-lieu fee option for applicants.</u></p>	<p>Current code includes provision for mitigation reserves.</p>	
<p>E-((149))462 Wetland mitigation projects should avoid <u>impacts to and prevent loss of farmable land within Agricultural Production Districts</u>. Creation of wetland mitigation banks <u>and wetland mitigation projects under King County's Mitigation Reserves Program</u> ((is)) are not allowed in the Agricultural Production District when the purpose is to compensate for ((filling)) <u>wetland impacts</u> ((for)) <u>from</u> development outside the APD.</p>	<p>Expands existing policy to cover wetland mitigation projects through the Mitigation Reserves Program. Recognizes the limited amount of productive farmland in APDs.</p>	
<p>E-464 <u>The county, in partnership with other governments and community groups, should monitor and assess</u></p>	<p>Ongoing monitoring helps to develop conditions baseline,</p>	

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<u>lake water and sediment quality, physical habitat, and biotic resources. Assessment should identify trends and describe impacts on human health, aquatic life, and wildlife habitat.</u>	identify trends, and identify threats to public health, safety, and habitat.	
E-465 <u>Swimming beaches on lakes should be monitored for bacterial contamination. When data shows public health to be at risk, Public Health -- Seattle & King County should take appropriate action to address public health risks.</u>	This monitoring identifies threats to the public who use public beaches for swimming.	
E-((1453))467 King County should protect the quality and quantity of ground((-))water countywide by: a. Implementing adopted Groundwater Management Plans; b. Reviewing and implementing approved Wellhead Protection Programs in conjunction with cities, state agencies and groundwater purveyors; c. Developing, with affected jurisdictions, best management practices for development and for forestry, agriculture, and mining operations based on adopted Groundwater Management Plans and Wellhead Protection Programs. The goals of these practices should be to promote aquifer recharge quality and to strive for no net reduction of recharge to groundwater quantity; ((and)) d. Refining regulations to protect Critical Aquifer Recharge Areas and well-head protection areas; e. Measuring, monitoring, and reporting information on groundwater quality and quantity to provide the information needed to manage groundwater resources; e. <u>Educating the public about Best Management Practices to protect groundwater;</u> f. <u>Encouraging forest retention and active forest stewardship;</u> g. <u>Incorporating into its land use and water service decisions reviews of water and sewer system plans consideration of potential impacts on groundwater quality and quantity, and the need for long-term aquifer protection; and</u> h. <u>Coordinating groundwater management efforts with cities, water districts, groundwater committees, and state and federal agencies. Facilitating the proper decommissioning of any well abandoned in the process of connecting an existing water system to a Group A water system.</u> i. <u>Facilitating the proper decommissioning of any well abandoned in the process of connecting an existing water system to a Group A water system.</u>	Revisions proposed in the edits characterize groundwater protection needs identified in 2007 working with the groundwater protection committees.	<p>Requested deletion by exec 6/12</p> <p>Requested by exec 6/12</p> <p>Requested by exec 6/12</p> <p>Requested by exec 6/12</p>

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E-((454))468 King County should protect groundwater recharge quantity by promoting <u>low impact development</u> and other methods that infiltrate runoff where site conditions permit, except where potential groundwater contamination cannot be prevented by pollution source controls and stormwater pretreatment.	Low impact site development and building techniques designed to reduce stormwater runoff can increase opportunities for on-site groundwater recharge.	
E-((455))469 In making future zoning and land use decisions ((which)) <u>that</u> are subject to environmental review, King County shall evaluate and monitor groundwater policies, their implementation costs, and the impacts upon the quantity and quality of ground((-))water. The depletion or degradation of aquifers needed for potable water supplies should be avoided or mitigated, and the need to plan and develop feasible and equivalent replacement sources to compensate for the potential loss of water supplies should be considered.	Technical edit.	
E-471 <u>The county should, in partnership with water utilities, evaluate the likely effects of climate change on aquifer recharge and groundwater supplies and develop a strategy to mitigate potential impacts in coordination with other climate change initiatives.</u>	We are still learning about the effects of climate change on groundwater aquifers. During low streamflow and high usage periods of summer and fall, groundwater aquifers may experience increased withdrawals and reduced recharge. However, information on this topic is not complete at this time and further study is needed to understand and plan to mitigate potential impacts.	
((E-157) King County shall use the Vashon-Maury Island Rapid Rural Reconnaissance Report, the ongoing Vashon-Maury Island Water Resources Evaluation and other studies to direct appropriate policy and planning actions that may be necessary to protect the groundwater and surface water resources. Pending completion and implementation of the evaluation and studies, applicants for new on-site sewage disposal permits on Vashon-Maury Islands shall be required to demonstrate the following: a. That the location of the on-site sewage disposal system is not within 200 feet of the documented boundaries of upper aquifer groundwater contamination or a surface water body or stream; b. That the new on-site sewage disposal system is designed to replace an existing disposal system and is likely to reduce impacts to ground and surface waters; or	The Vashon Groundwater Protection Committee recommended deletion of this policy due to conflicts with existing code, implementation issues, and the potential for conflicts with anticipated requirements for on-site disposal systems in Marine Recovery Areas.	

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e. That, if the size or features of a parcel make it infeasible to satisfy the 200-foot setback provided in subsection (a) above, the proposed onsite sewage disposal system uses the best available technology to reduce potential impacts to ground and surface waters. In such circumstances, the county may require periodic monitoring.))		
E-((132))472 River and stream channels, stream outlets, headwater areas, ((and)) riparian corridors, <u>and areas where dynamic ecological processes are present</u> should be preserved, protected and enhanced for their hydraulic, hydrologic, ecologic ((at)) and aesthetic functions, including their functions in providing <u>large wood</u> ((y debris sources)) to salmonid-bearing streams. <u>Management of river and stream channels should consider other beneficial uses of these water bodies, including recreation.</u>	Aligns policy with county practice of consulting with boater safety groups on river facility design. More consistent with other policies calling for management of water resources for multiple benefits.	
E-473 <u>The designation of buffers for aquatic areas, including rivers and streams, should take into account watershed-scale actions to mitigate the impacts of upland development on flooding, erosion, and habitat.</u>	Reflect Best Available Science on relationship between management of upland watershed areas and more localized conditions of critical areas. Reflect current county approach to managing critical areas.	
E-474 <u>The county should encourage the use of Mitigation Reserves, in which stream and river habitat restoration projects are selected and pre-purchased for active management (enhancement, restoration, protection) in advance of development-related impacts. The county should continue to implement its Mitigation Reserves program to provide an in-lieu fee option for applicants with off-site aquatic-area mitigation requirements.</u>	Formally adopts a policy in support of the Mitigation Reserves Program.	
E-475 <u>The county should continue to monitor and assess river and stream flows, water and sediment quality, physical habitats, and biotic resources in rivers and streams. Assessment should identify trends and describe impacts on human health and safety, aquatic life, and wildlife habitat.</u>	Ongoing monitoring information is important for identifying trends and impacts to public health and safety and habitat. Monitoring information helps to determine the efficacy of actions and can inform adjustments to policies, programs, and projects.	
E-476 <u>King County should improve the management of alluvial fans through developing and clarifying definitions of alluvial fans, mapping the locations of existing alluvial fans, and developing appropriate management strategies. Strategies should protect habitat, reduce threats to public safety, and recognize current land use practices. Findings from Alluvial Fan Management Pilot Projects should inform management strategies for alluvial fans.</u>	Damage to property from flooding and erosion in the vicinity of alluvial fans is a recurring issue, particularly in agricultural areas in the floodplain. A more focused approach to managing these areas is needed. This policy is linked to a policy in	

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	Chapter 3 dealing with Alluvial Fan Management Pilot Projects.	
E-477 <u>King County should collaborate with the federal and state agencies, cities, tribes, and universities to monitor and assess marine nearshore and waters of Puget Sound. Monitoring and assessment should address water and sediment quality, bioaccumulation of chemicals, physical habitat, and biotic resources. Assessment should identify trends and describe impacts on human health and safety, aquatic life, and wildlife habitat.</u>	Given the large number of agencies involved in monitoring and assessment of Puget Sound, it is important that King County's monitoring and assessment work in Puget Sound be closely coordinated with these efforts for maximum effectiveness and efficiency.	
E- ((423)) 478 King County shall protect and should enhance surface waters, including streams, lakes, wetlands and the marine near (()) shore and ((receiving)) waters of Puget Sound, on a watershed basis by analyzing water quantity and quality problems and their impacts to beneficial uses, including fish and wildlife habitat, ((and)) flood <u>risk reduction</u> , and erosion control. Conditions of and impacts to the downstream receiving marine beaches and waters of Puget Sound shall be included in watershed management efforts. ((King County shall continue to participate in the Central Puget Sound Water Resource Planning effort.))	Flood and erosion are both natural processes that cannot be controlled, but can be reduced and managed. King County is moving away from using the term "flood control" and is using "risk reduction" or "reduction" in the 2006 Flood Hazard Management Plan. The Central Puget Sound Water Resource Planning effort is no longer active. New text and policies have been added elsewhere in the Chapter to address the recently initiated Puget Sound Partnership.	
E- ((424)) 479 King County should protect and enhance the natural environment in those areas recommended <u>or adopted</u> as Aquatic Reserves by Washington State Department of Natural Resources. This should include participation in management planning for the aquatic reserves and working with willing landowners adjacent to the reserve on restoration and acquisition projects ((which)) <u>that</u> enhance the natural environment.	Clarifies language to cover both recommended and adopted propels for Aquatic reserves.	
E-480 <u>King County should work with landowners, the state Department of Health, sewer districts, and the Puget Sound Partnership to develop more effective strategies and additional resources for addressing failing septic systems in constrained shoreline environments.</u>	The saltwater shoreline is particularly constrained in terms of lot size, soils, and topography needed to support effective on-site treatment. More effective strategies and resources are needed for addressing failing systems in constrained	

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	shoreline environments.	
E-((469))481 The county shall strive to ((maintain)) the ((existing)) <u>native</u> diversity of species and habitats in the county.	Clarify intent of the policy to focus on conservation of native diversity.	
E-482 In the Urban Growth Area, King County should strive to maintain a quality environment ((which)) <u>that</u> includes fish and wildlife habitats that support the greatest diversity of native species consistent with <u>GMA-mandated population density objectives.</u> ((The county should maximize wildlife diversity in the Rural Area.)) <u>In areas outside the Urban Growth Area, the county should strive to maintain and recover native landscapes, ecosystems, and habitats that can support viable populations of native species. This should be accomplished through coordinated conservation planning and collaborative implementation.</u>	Clarify density objectives refers to those mandated by GMA. Edit policy to emphasize maintenance and recovery of habitats and ecosystems rather than wildlife by itself.	
E-((170))483 ((Fish and wildlife should be maintained through conservation and enhancement of t)) Terrestrial ((air,)) and aquatic habitats <u>should be conserved and enhanced to protect and improve conditions for fish and wildlife.</u>	Edits for readability.	
E-((172))484 King County shall designate and protect, through measures such as regulations, incentives, capital projects or purchase, the following Fish and Wildlife Habitat Conservation Areas found in King County: a. Habitat for federal or state listed Endangered, Threatened or Sensitive species; b. <u>Habitats of Local Importance and Habitats for</u> ((Salmonids)) <u>Species of Local Importance</u> ((: kokanee/sockeye/red salmon, chum salmon, coho/silver salmon, pink salmon, coastal resident/searun cutthroat, rainbow trout/steelhead, bull trout, Dolly Varden, and pygmy whitefish, including juvenile feeding and migration corridors in marine waters; c. Habitat for Raptors and Herons of Local Importance: osprey, black-crowned night heron, and great blue heron)); ((d)) c. Commercial and recreational shellfish areas; ((e)) d. Kelp and eelgrass beds; ((f)) e. Herring ((, sand lance)) and smelt spawning areas; ((g)) f. Wildlife habitat networks designated by the county, and ((h)) g. Riparian corridors. ((King County shall also protect the habitat for the red-tailed hawk and for candidate species, as listed by the Washington Department of Fish and Wildlife, found in King County outside of the Urban Growth Area.))	Updates to make policy consistent with WAC guidelines. Group listing of species of local importance moved to Policy E-488. Move red-tailed hawk to Policy E-488.	

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E- ((174)) 485	Habitats for species ((which)) that have been identified as endangered, threatened, or sensitive by the state or federal government shall not be reduced and should be ((preserved)) conserved. ((In the Rural Area and Natural Resource Lands, habitats for candidate species identified by the county, as well as species identified as endangered, threatened, or sensitive by the state or federal government shall not be reduced and should be preserved.))	Clarifies existing policy. Candidate species are now handled in policy E-487.	
E-486	<u>King County should review fish and wildlife surveys and assessments with local application to King County and consider additional habitat protections where warranted. Habitat protection should be accomplished through incentives, cooperative planning, education, habitat acquisition, habitat restoration, or other appropriate actions based on best available science.</u>	Federal species reviews often consider species risks at a scale larger than King County. Helps to ensure that local fish and wildlife populations do not become extirpated.	
E-487	<u>King County should review federal and state candidate listings for information about candidate species found in King County. King County shall protect habitat for candidate species, as listed by the Washington Department of Fish and Wildlife or a federal agency. Information regarding candidate species should be used to inform King County's long-term wildlife conservation and planning efforts.</u>	Candidate listings can provide valuable information on risks to fish and wildlife species found in King County that can be used to help prevent future listings of species as threatened or endangered. Updates existing policy direction (formerly found in renumbered policy E-485) on candidate species to provide for consistent review of candidate species throughout unincorporated King County.	
E- ((173)) 488	King County should protect the following <u>native species of local importance</u> ((, as listed by the Washington Department of Fish and Wildlife or listed by King County, on lands outside of the Urban Growth Area, where they are likely to be most successful)), or and their habitats, as appropriate. Protection should be accomplished through regulations, incentives or <u>habitat purchase</u> . Species of local importance are: a. <u>Salmonids – kokanee</u> ((/sockeye/red)) salmon, sockeye/red salmon, chum salmon, coho/silver salmon, pink salmon, coastal resident/searun cutthroat, rainbow trout ((/steelhead, bull trout)) , Dolly Varden, and pygmy whitefish, including juvenile feeding and migration corridors in marine waters ((Habitat for Raptors and Herons of Local Importance – osprey, black-crowned night heron, and great blue heron;)) ((a)) <u>b. ((Mollusks –)) Native Freshwater Mussels – Western pearlshell mussel, Oregon floater, and</u>	Policy E-490 directs this list be updated regularly, and several proposed changes herein are based on updates from state and federal lists. Additionally, this list is revised to be more transparent and reflect the rationale for protecting named species. Animal species are re-grouped in some instances to add clarity. Some salmonid, raptor, and heron species were moved to this policy from Policy E-484 to be included herein as Species of Local Importance.	Exec requested change 6/12

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<p><u>western ridge mussel</u>(((Geoduck clam and Pacific oyster)));</p> <p>((b))c. ((Crustaceans)) <u>Shellfish – Red Urchin, Dungeness crab</u>(((and))), <u>Pandalid shrimp, Geoduck clam, and Pacific oyster</u>;</p> <p>((c. Echinoderms – Red urchin);)</p> <p>d. Marine Fish – <u>White sturgeon, Green Sturgeon, Pacific herring</u>,(((channel catfish))), <u>longfin smelt, surfsmelt</u>, (((Pacific cod, Pacific whiting, black rockfish, copper rockfish, quillback rockfish, yelloweye rockfish))) <u>lingcod, Pacific sand lance, English sole, and rock sole</u>;</p> <p>e. Birds – <u>Western grebe, American bittern, great blue heron</u>, (((Trumpeter swan, Tundra swan, Snow goose, Band-tailed pigeon))), <u>Brant, Harlequin duck, Wood duck, Hooded merganser, Barrow's Goldeneye, Common Goldeneye, Cinnamon teal, Blue-winged teal, Surf scoter, White-winged scoter, Black scoter, osprey, Red-tailed hawk</u>, (((Blue))), <u>Sooty grouse, Ruffed grouse, Band-tailed pigeon, Belted kingfisher, Hairy Woodpecker, American three-toed woodpecker, Olive-sided Flycatcher, Mountain chickadee, Western Meadowlark, Cassin's Finch, and Purple Finch</u> (((Mountain quail, and Western bluebird))); ((and)))</p> <p>f. Mammals – <u>Marten, mink, Columbian black-tailed deer, elk</u>, (((and))), <u>mountain goat, Douglas Squirrel, and Townsend Chipmunk</u>(((-)));</p> <p>g. <u>Amphibians – Red-legged frog; and</u></p> <p>h. <u>Reptiles – Alligator lizard and western fence lizard.</u></p>	<p>Steelhead and bull trout are both federally listed species, and as such are already covered under policy E-484.</p> <p>Black-crowned night heron are removed from the list because they are believed to be extirpated from King County.</p> <p>Western bluebird is removed from the list because it was not historically common in King County until European settlers cleared land and the species experienced a temporary population boom.</p> <p>Channel catfish are deleted because they are not a native species.</p> <p>Rockfish species, Pacific cod, Pacific whiting (hake), and Pacific herring are deleted from this list because they are all candidate species and as such are protected under policy E-487.</p> <p>Mountain quail are deleted from the list because they are not known to be found in King County.</p> <p>Wood duck, hooded merganser, green sturgeon are added to the list to be consistent with WDFW list.</p> <p>Several bird species have been added whose population sizes are believed to have decreased in the past 100 to 150 years.</p> <p>Red-legged frogs are added because they are known to be especially sensitive to environmental perturbations.</p> <p>The two lizard species are added because they are uncommon with localized</p>	
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	populations in King County.	
E-((474))489 King County should protect the following priority habitats listed by the Washington Department of Fish and Wildlife that are not otherwise protected by policies and codes. Protection should be accomplished through regulations, incentives or purchase. ((Priority habitats are)) These areas include: caves, cliffs, consolidated marine/estuarine shorelines, estuary, old growth/mature forest, unconsolidated marine/estuarine shorelines, snag-rich areas, and talus slopes.	Technical edit.	
E-((476))490 King County should regularly review the Washington State Department of Fish and Wildlife's list of Priority Species and other scientific information on species of local importance, and evaluate whether any species should be added to or deleted from the lists in Policies E-((473))488 and E-((474))489. Any additions or deletions should be made through the annual amendment process for the comprehensive plan.	Technical edit.	
E-((478))492 King County should ((protect)) conserve salmonid habitats by ensuring that land use and facility plans (development, transportation, water, sewer, electricity, gas) include riparian and stream habitat conservation measures developed by the county, cities, ((federally recognized-)) tribes, service providers, and state and federal agencies. Project review of development proposals within basins that contain hatcheries and other artificial propagation facilities that are managed to protect the abundance, productivity, genetic diversity, and spatial distribution of native salmon and provide harvest opportunities should consider significant adverse impacts to those facilities.	Clarifying edits. Edit reference to tribes consistent with rest of KCCP.	Exec requested change 6/12 CS requested development deleted as not a plan
E-493 King County should collaborate with other governments, private and non-profit organizations to establish a bioinventory, an assessment and monitoring program, and a database of species currently using King County to provide baseline and continuing information on wildlife population trends in the county.	Provides the support for the County to establish a system for tracking the biodiversity of the county. Such a system makes it possible to track whether wildlife populations in the county are increasing, declining, or stable.	
E-494 Distribution, spatial structure, and diversity of native wildlife and plant populations should be taken into account when planning restoration activities, acquiring land, and designing and managing parks.	Provides the support for populations of native species to be considered when making decisions about restoration design, land acquisition, and park design and management.	
E-((479))496 Dedicated open spaces and designated ((sensitive)) critical areas help provide wildlife habitat. Habitat networks for threatened, endangered and priority species of local importance, as listed in this chapter, shall be	First deleted sentence removes a statement that should be self-evident for a network.	

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<p>designated and mapped. Habitat networks for other priority species in the Rural Area should be designated and mapped. ((Planning should be coordinated to ensure that connections are made with adjacent segments of the network.)) These mapping efforts should proceed from a landscape perspective using <u>eco-regional information about the county and its resources, and should be coordinated with state and federal ecosystem mapping efforts as appropriate.</u></p> <p>((King County shall also protect the habitat for candidate species, as listed by the Washington Department of Fish and Wildlife, found in King County outside of the Urban Growth Area.))</p>	<p>Addition provides support for forming designated wildlife habitat networks with a broader perspective that single-species management.</p> <p>Candidate species now addressed in new policy E-487.</p>	
<p>E-((480))497 King County should work with adjacent jurisdictions, state and federal governments ((and)), ((federally recognized-)) tribes, and landowners during development of land use plans, ((Water Resource Inventory Area)) WRIA plans, and site development reviews to identify and protect habitat networks at jurisdictional <u>and property</u> boundaries.</p>	<p>Wildlife habitat networks cross both public and private properties, and private land owners should also be consulted in identifying and developing strategies to protect habitat networks, particularly where networks cross property boundaries.</p>	
<p>E-((484))498 New development should, where possible, incorporate native plant communities <u>into the site plan, through</u> both through preservation of existing native plants ((into the site plan,)) and addition of new native plants.</p>	<p>Clarifying edit.</p>	
<p>E-((482))499 The county should be a good steward of public lands and should integrate fish and wildlife habitat((s)) considerations into capital improvement projects whenever feasible. Fish and Wildlife Habitat Conservation Areas should be protected and, where possible, enhanced as part of capital improvement projects.</p>	<p>Clarifying edit.</p>	
<p>E-((483))499a The county should promote voluntary wildlife habitat enhancement projects by private individuals and businesses through educational, <u>active stewardship,</u> and incentive programs.</p>	<p>Clarifying edit consistent with current practice.</p>	
<p>E-499b King County should partner with community <u>associations, realtors, community groups, and other agencies to conduct targeted outreach to potential and new property owners about fish and wildlife habitat education and forestry education and incentive programs, particularly in rural and resource lands areas of the county.</u></p>	<p>Community associations, realtors, and community groups are often the first source of local information for potential and new property owners. The county should work with them to help get the word out about technical assistance and incentives available for fish and wildlife habitat protection and forestry.</p>	
<p>E-((454))499c King County's floodplain land use and floodplain management activities shall be carried out in accordance with the King County Flood</p>	<p>The existing policy references the 1993 King County Flood Hazard</p>	

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Hazard ((Reduction)) <u>Management</u> Plan.	Reduction Plan. This plan has been replaced by the 2006 King County Flood Hazard Management Plan.	
E-499e King County should review new business permit and change of use applications for businesses that propose to use hazardous chemicals or generate hazardous waste as part of their operations. The county should offer to provide technical assistance related to hazardous waste disposal requirements and non-toxic alternatives.	New business permit and change of use applications can provide an opportunity for early education and technical assistance to businesses likely to use or generate hazardous waste. Proper hazardous waste management practices to prevent potential future contamination issues to the environment.	
E- ((164)) 507 In response to watershed-based salmon conservation Water Resource Inventory Area plans and as part of King County's continued basin planning and stewardship programs, King County may adopt vegetation retention goals for specific drainage basins. These goals should be consistent with Policy R-23 ((2)) 6, as applicable. The county should adopt incentives and regulations to attain these goals, and the county should monitor their effectiveness.	Correct cross reference	
E- ((168)) 510 King County should ((support efforts to model the effects of a mudflow comparable to the prehistoric mudflow which occurred in the White River drainage basin.)) work with the United States Geological Survey to identify lahar hazard areas and shall work with local governments to assess the risk to County residents from lahars and to implement appropriate emergency planning and implement appropriate development standards.	Work needed to address information need identified in the Critical Areas Ordinance.	
E- ((204)) 601 King County shall continue to participate in the Water Resource Inventory Area ((planning)) -based salmonid recovery plan implementation efforts and in other regional ((planning)) efforts to recover salmon and the ecosystems they depend on, such as the ((Tri-County salmon conservation coalition and Shared Strategy for Puget Sound, to develop plans for each of the watersheds in King County)) Puget Sounds Partnership. ((T)) King County's participation in ((these)) plan ((s)) ing and implementation efforts shall be guided by the following principles: a. Focus on early federally listed salmonid species first, take an ecosystem approach to <u>habitat</u> management and seek to address management needs for other species over time; b. ((Identify)) Concurrently work on early actions ((and)) , long-term projects and programs that will lead to <u>improvements to, and information on,</u>	Recognize the region's recent transition from salmon recovery planning to plan implementation and the completion of WRIA plans. Reflects Shared Strategy's dissolution and the assumption of those roles by Puget Sound Partnership.	

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<p>habitat conditions in King County that can enable the recovery of endangered or threatened salmonids, while maintaining the economic vitality and strength of the region;</p> <p>c. Address both King County's growth management needs and <u>habitat</u> conservation needs;</p> <p>d. ((Be comprehensive and based on)) <u>Use</u> best available science as defined in WAC 365-195-905 through 365-195-925;</p> <p>e. ((Address)) <u>Improve</u> water quality, water quantity and channel characteristics;</p> <p>f. ((Be developed in coordination)) <u>Coordinate</u> with key decision-makers and stakeholders; and</p> <p>g. ((Provide for monitoring and adaptive management)) <u>Develop, implement and evaluate actions within a watershed-based program of data collection and analysis that documents the level of effectiveness of specific actions and provides information for adaptation of salmon conservation and recovery strategies.</u></p>		
<p>E-602 <u>King County should use the recommendations of approved Water Resource Inventory Area salmon habitat plans to inform the updates to development regulations as well as operations and capital planning for its surface water management, transportation, wastewater treatment, parks, and open space programs.</u></p>	<p>The NOAA approved Puget Sound Salmon Recovery Plan (including the WRIA plans) directs local governments to take specific actions including regulatory change, modifications to operations and capital efforts.</p>	
<p>E-603 <u>King County should seek to support Water Resource Inventory Area plan goals of maintaining intact natural landscapes through:</u></p> <p>a. <u>Retaining low density land use designations such as Agriculture, Forestry and Rural;</u></p> <p>b. <u>Promoting Current Use Taxation and other incentives;</u></p> <p>c. <u>Promoting stewardship programs including development and implementation of Forest Plans, Farm Plans, and Rural Stewardship Plans;</u></p> <p>d. <u>Promoting the use of Low Impact Development methods; and</u></p> <p>e. <u>Acquiring property or conservation easements in areas of high ecological importance with unique or otherwise significant habitat values.</u></p>	<p>The NOAA approved Puget Sound Salmon Recovery Plan (including the WRIA plans) directs local governments to take specific actions including regulatory change, modifications to operations and capital efforts.</p>	
<p>E-((202))604 King County has evaluated and will continue to <u>monitor and</u> evaluate programs and regulations to determine their effectiveness in contributing to ESA listed species conservation and recovery, and will update and enhance programs and plans where needed including evaluation of the zoning code, the Critical Areas Code, the Shoreline Master Program, the Clearing and Grading Code,</p>	<p>The existing policy references the 1993 King County Flood Hazard Reduction Plan. This plan has been replaced by the 2006 King County Flood Hazard Management Plan.</p>	

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the landscaping Code, the Surface Water Design Manual, the flood hazard ((reduction)) <u>management plan</u> , regional wastewater services plan, best management practices for vegetation management and use of insecticides, herbicides and fungicides, <u>integrated pest management</u> , and best management practices for agricultural lands and forest lands under county authority. King County may amend these regulations, plans and best management practices to enhance their effectiveness in protecting and restoring salmonid habitat, using a variety of resources including best available science as defined in WAC 365-195-905 through 365-195-925 ((and resource documents developed by the Tri-County salmon conservation coalition and the shared strategy.)).		
E-((203))605 Through the Watershed Resource Inventory Area planning process, geographic areas vital to the conservation and recovery of listed salmonid species ((shall be)) <u>have been</u> identified. King County will evaluate this information to determine appropriate short and long-term strategies, including, but not limited to: designation of Fish and Wildlife Habitat Conservation Areas, development regulations (special district overlays, zoning, etc.) acquisitions, facility maintenance programs, and capital improvement projects.	Technical edit reflects completion of WRIA plans.	
E-((204))606 King County may use its authority under the Growth Management Act, including its authority to designate and protect critical areas, such as fish and wildlife habitat conservation areas, to preserve and protect ((critical)) <u>key</u> habitat ((listed)) for listed salmonid species by developing and implementing development regulations and nonregulatory programs.	Technical edit	
E-608 King County should continue to take actions that <u>ensure its habitat restoration and protection actions are implemented as part of a watershed-based salmon conservation strategy that integrates habitat actions with actions taken by harvest and hatchery managers. Harvest and hatchery managers specifically include tribes, the Washington Department of Fish and Wildlife, the National Marine Fisheries Service, and the United States Fish and Wildlife Service. Appropriate venues for this coordination include watershed plan implementation groups and other local or regional salmon management entities that rely on actions by habitat, harvest and hatchery managers to achieve specific goals and objectives.</u>	Clarifies King County's obligation to work with co-managers on salmon recovery.	
E-609 King County should actively participate in the Puget Sound Partnership's review of existing action plans for Puget Sound and development of the 2020 Action Agenda called for in the authorizing legislation for the Puget Sound Partnership.	Confirm King County's role in developing the 2020 Action Agenda.	

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E-610	<u>King County should collaborate with other watershed forum partners to ensure that recommendations of watershed-based salmon recovery plans for King County are integrated with the Puget Sound Partnership recommendations.</u>	Articulate the connection between the Salmon Recovery Plans and Puget Sound recovery.	
E-611	<u>King County should participate in the development of a science program that will provide a foundation for Puget Sound Partnership work. As part of this effort, the county should identify opportunities for linking its existing ambient monitoring of Puget Sound and freshwater streams with monitoring and assessment work conducted through the Puget Sound Partnership.</u>	Identify county's role in working with the region to develop adequate scientific foundation and monitoring to support and direct Puget Sound recovery.	
E-701	<u>King County should conduct a comprehensive and coordinated program of environmental monitoring and assessment to track long-term changes in climate (e.g., precipitation, temperature), water quality and quantity, land use, land cover and aquatic and terrestrial habitat, natural resource conditions, and biological resources as well as the effectiveness of regulations and capital improvement projects. This monitoring program should be coordinated with other jurisdictions, state and federal agencies, tribes, and universities to ensure the most efficient and effective use of monitoring data.</u>	Provide support for monitoring program that is currently already in operation.	
E-702	<u>King County should seek to develop and maintain a publicly accessible, geo-spatial database on environmental conditions to inform policy decisions, support technical collaboration, and inform the public. All King County monitoring data should be supported by metadata.</u>	Effective management, sharing, and dissemination of environmental data and information are critical to maximize the use and value added from environmental monitoring and assessment.	
E-703	<u>King County should establish a decision-support system suitable for adaptive management that uses data from its environmental monitoring programs.</u>	A tool that integrates decision theory with ecological principles to form a computerized system for helping make decisions is especially valuable when many interests and factors must be placed into the equation.	
E-704	<u>The county should continue to collect data on key natural resource management and environmental parameters for use in KingStat, the King County Benchmark Reports, and other environmental benchmarking programs. Findings should be reported and report its findings to the public, partner agencies, and decision-makers. The ((4)) information collected through KingStat should be used to inform decisions about policies, work program priorities and resource allocation.</u>	Performance information is used to enhance service delivery, improve program effectiveness and maintain accountability to the public and stakeholder groups.	Exec requested change in response to CS concern that Kingstat may not remain the only vehicle to house data. 2d change made by cs to link with first change
E-705	<u>King County shall carry out monitoring in compliance with its National Pollutant Discharge</u>	King County is required to carry out specific monitoring	

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<u>Elimination System municipal permit. Data collected through these monitoring efforts should be coordinated with King County's other monitoring efforts to the extent possible, and carried out in the most cost-effective and useful manner possible.</u>	activities in order to comply with its NPDES permit. Coordination with other monitoring efforts ensures maximum value from this mandated monitoring work.	
E-706 <u>King County should work with other Water Resource Inventory Area plan partners to establish a program (framework and methodology) for monitoring project specific and cumulative effectiveness of King County salmonid recovery actions. This program should include data collection and analysis and should provide information to guide an adaptive management approach to salmonid recovery.</u>	Recovery programs for which King County is responsible—including monitoring and evaluation—must take place within a single, integrated and cooperative monitoring program. This policy supports the monitoring and evaluation objectives of an adaptive management plan that has already been established for salmon recovery.	
E-707 <u>The county should coordinate with other governments, agencies, tribes, non-governmental organizations and others to develop and implement regional and watershed-based Adaptive Management programs focused on achieving salmon recovery goals.</u>	Supports the existing commitment made by all parties in the recovery plans to monitor and evaluate salmon recovery through a formal adaptive management plan.	
E-708 <u>King County should develop and implement a framework for effectiveness monitoring of critical areas regulations, and use monitoring data to inform the future review and updates of its critical areas policies and regulations.</u>	New regulations established in the King County Critical Areas Ordinance are based in best available science, but their effectiveness will be unknown until examined through the scientific method. This policy establishes support for an effectiveness monitoring program.	Recommends establishing.
<u>ADD TO CHAPTER 10 AS NEW POLICY:</u> CP 12XX King County should protect the quality and quantity of groundwater ON Vashon/Maury Island by measuring, monitoring, and reporting information on groundwater quality and quantity to provide the information needed to manage groundwater resources.		In agreement with executive staff to move this component to V/MI community Plan.

365-195-915 << 365-195-920 >> 365-195-925

WAC 365-195-920

No Washington State Register filings since 2003

Criteria for addressing inadequate scientific information.

Where there is an absence of valid scientific information or incomplete scientific information relating to a county's or city's critical areas, leading to uncertainty about which development and land uses could lead to harm of critical areas or uncertainty about the risk to critical area function of permitting development, counties and cities should use the following approach:

(1) A "precautionary or a no risk approach," in which development and land use activities are strictly limited until the uncertainty is sufficiently resolved; and

(2) As an interim approach, an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions achieve their objectives. Management, policy, and regulatory actions are treated as experiments that are purposefully monitored and evaluated to determine whether they are effective and, if not, how they should be improved to increase their effectiveness. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. To effectively implement an adaptive management program, counties and cities should be willing to:

(a) Address funding for the research component of the adaptive management program;

(b) Change course based on the results and interpretation of new information that resolves uncertainties; and

(c) Commit to the appropriate time frame and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting critical areas protection and anadromous fisheries.

[Statutory Authority: RCW 36.70A.190 (4)(b). 00-16-064, § 365-195-920, filed 7/27/00, effective 8/27/00.]

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